



REPLY TO
ATTENTION OF

DEPARTMENT OF THE ARMY
CORPS OF ENGINEERS, ROCK ISLAND DISTRICT
PO BOX 2004 CLOCK TOWER BUILDING
ROCK ISLAND, ILLINOIS 61204-2004

~~April 19, 2021~~ April 20, 2021

Regulatory Division

SUBJECT: CEMVR-OD-P-2020-1710

Ms. Judy Joyce
Impact 7G, Inc
310 Second Street
Coralville, Iowa -52241

Dear Ms. Joyce:

We have completed our review of the Prospectus and all other provided site selection information for the proposed Manatt's Iowa Valley Mitigation Bank. The site is located in Section 3, Township 82 North, Range 15 West, Tama County, Iowa. This prospectus was on Public Notice from December 17, 2020 to January 16, 2021.

The U.S. Army Corps of Engineers, Rock Island District, in consultation with the Environmental Protection Agency (EPA), has reviewed the information submitted for this bank proposal and has determined that the proposed plan does not have the potential for the generation of appropriate compensatory mitigation. In our evaluation, we must consider the location of compensatory mitigation per the requirement of 33 CFR 332.3 (b). 33 CFR 332.3 (b)(1) states that compensatory mitigation should be located where it is most likely to successfully replace lost functions and services, taking into account such watershed scale features as aquatic habitat diversity, habitat connectivity, relationships to hydrologic sources, trends in land use, ecological benefits, and compatibility with adjacent land uses. 33 CFR 332 (c)(2) states that such an approach considers how the types and locations of compensatory mitigation ~~protects projects~~ will provide desired aquatic resource functions and will continue to function over time in a changing landscape. ~~Associated with these standards, here are the list of reasons for our determination on this proposal. In accordance with these standards, we provide the following reason for why the proposed plan does not demonstrate the potential to generate appropriate compensatory mitigation:~~

- This proposed site is surrounded by extensively disturbed areas. The site is directly adjacent to an active sand pit to the west that still conducts active sand mining, and an old sand pit to the north. Additional sand mining will take place northwest of the site along the Iowa River for the next 15+ years, causing additional ecological disturbance (wetland loss) in this watershed. Placing a mitigation site near an ongoing sand mining operation and the abandoned mining pits has many implications for ecological success. The most successful wetland creation/restoration projects rely on groundwater to achieve hydrology. The adjacent sand/gravel pits have likely lowered the water table significantly which will not contribute favorably to an adjacent wetland. There is also risk that the pit walls could eventually be compromised, leading to wall failure, ~~causing and cause~~ the wetland bank to fail. The proximity to these types of pits and the continued impacts are a great risk to the success of the proposed bank.

- This proposed plan does not provide sufficient evidence that it will restore a hydrologic regime conducive to sustaining forested wetland. These types of forested areas are found within the floodplains of major river systems and are characterized by alternating wet and dry periods that occur within seasonal flooding events. It is questionable that this site will restore a sufficient hydroperiod conducive to sustaining forested wetlands, especially since this project site looks to be outside of and disconnected hydrologically from the floodplains of the Iowa River due to previous impacts that have occurred over the past 60 years.
- The proposed main source of hydrology is to be provided by installing a culvert to allow drainage to flow onto the site via an existing ditch. The mitigation rule states that sites must be self-sustaining once performance standards have been achieved. This site would rely entirely on the county for its water source, since the culvert would be their responsibility to maintain. This effectively would be the same as allowing a bank to obtain credits when someone else holds an easement upstream that could have damaging effects on the site. There is no guarantee that the county will maintain this culvert in a condition appropriate to maintain the necessary flowage. At this time, the success of this proposed wetland site relies largely on the condition of the culvert proposed to be placed as well as the existing condition of the ditch. The culvert would require perpetual maintenance in order to sustain the proposed wetland areas, and if the culvert fails, the sustainability and success of the site is compromised. There are also concerns about rerouting drainage from the ditch that currently outlets to the Iowa River. It appears that the ditch is potentially jurisdictional and rerouting water from the ditch into the wetland may convert the portion of the ditch downstream of the proposed culvert to non-jurisdictional by the reduction of flow which would require stream compensatory mitigation to be offset at another bank site.
- The proposed site is fragmented from natural habitats because it is surrounded by sand pits and a roadway. Compensatory mitigation projects should not focus exclusively on specific functions such as water quality but rather they should provide a suite of functions typically provided by the impacted aquatic resource within the watershed. Because this proposed site is so fragmented from the natural landscape, the collection of functions that could exist by the development of high functioning aquatic resources is severely limited. Many different animals depend on wetlands for survival, including, aquatic, semi-aquatic, and terrestrial species. Wetlands are typically naturally separated by terrestrial habitats and these terrestrial habitats allow for semiaquatic and terrestrial species to disperse to other wetlands and habitats they need to ensure their survival. Species dispersal is critical to the heterogeneity of plants and animals and allows for their continued survival. Buffers are critically important to wetland functionality but at this site there can be no true buffer to other habitats.

In consideration of the above listed reasons, we do not support the approval of the proposed plan for the development of the Manatt's Iowa Valley Mitigation Bank and will be withdrawing this proposal from further processing. If you have any questions regarding the outcome of this evaluation or about mitigation banking in general, please contact Abby Steele at (309) 794-5377

Commented [ZMACUC(1)]: Does the culvert itself rely directly on the County allowing it to be there and maintaining it? If that's the case we should include that too as well. They are relying on someone else to maintain their proposed hydrologic connection.

or [HYPERLINK "mailto:Abigail.a.steele@usace.army.mil"]. We appreciate your interest in wetland mitigation banking and hope to work with you again in the future.

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Sincerely,

Ward Lenz
Regulatory Division Chief
U.S. Army Corps of Engineers, Rock Island District

Copy furnished (Via Email):

Tiffany DeLong, EPA
Christine Schwake, IDNR
Amber Schorg, USFWS
Sindra Jensen, NRCS
Theresa Thomas, NRCS